

CLOSED,PROSE-PR,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:12-cv-00841-ESH**

COLE v. U.S. DEPARTMENT OF JUSTICE et al
Assigned to: Judge Ellen S. Huvelle
Cause: 05:552 Freedom of Information Act

Date Filed: 05/24/2012
Date Terminated: 11/29/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JAMES COLE

represented by **JAMES COLE**
R41167-066
ATLANTA
U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 150160
ATLANTA, GA 30315
PRO SE

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Jenny Marie Knopinski**
U.S. ATTORNEY'S OFFICE
555 Fourth Street, NW
Washington, DC 20530
(202) 616-3285
Fax: (202) 514-8780
Email: jenny.knopinski@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura R. Ponto
U.S. ATTORNEY'S OFFICE
555 Fourth Street, NW
Washington, DC 20530
(202) 307-6242
Fax: (202) 514-8780
Email: laura.ponto@usdoj.gov
TERMINATED: 07/18/2012
ATTORNEY TO BE NOTICED

Defendant

FEDERAL BUREAU OF PRISONS

represented by **Jenny Marie Knopinski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura R. Ponto
(See above for address)
TERMINATED: 07/18/2012
ATTORNEY TO BE NOTICED

Defendant

ERIC HIMPTON HOLDER, JR.
Attorney General

represented by **Jenny Marie Knopinski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura R. Ponto

(See above for address)

TERMINATED: 07/18/2012

ATTORNEY TO BE NOTICED

Defendant**ROBERT MUELLER***F.B.I. Director*represented by **Jenny Marie Knopinski**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Laura R. Ponto

(See above for address)

TERMINATED: 07/18/2012

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/24/2012	<u>1</u>	COMPLAINT against ERIC HOLDER, ROBERT MUELLER, U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS filed by JAMES COLE. (Attachments: # <u>1</u> Civil Cover Sheet)(dr) (Entered: 05/25/2012)
05/24/2012		SUMMONS (4) Issued as to ERIC HOLDER, ROBERT MUELLER, U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS, U.S. Attorney (dr) (Entered: 05/25/2012)
05/24/2012	<u>2</u>	NOTICE OF RELATED CASE. Case related to Case No. 12-533. (dr) (Entered: 05/25/2012)
05/24/2012	<u>3</u>	MOTION for Leave to Proceed in forma pauperis by JAMES COLE (dr) (Entered: 05/25/2012)
05/24/2012	<u>4</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by JAMES COLE (dr) (Entered: 05/25/2012)
05/24/2012	<u>5</u>	ORDER directing an initial partial filing fee in the amount of \$45.77 from Prison Account of JAMES COLE; further orderd, granting <u>2</u> MOTION to Proceed in forma pauperis (See Order for Full Details). Signed by Judge Richard W. Roberts on 05/21/2012. (dr) (Entered: 05/25/2012)
06/01/2012	<u>6</u>	Case reassigned to Judge Ellen S. Huvelle. Judge Colleen Kollar-Kotelly no longer assigned to the case. (ds) (Entered: 06/01/2012)
06/08/2012	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/31/2012. (Answer due for ALL FEDERAL DEFENDANTS by 6/30/2012.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ERIC HIMPTON HOLDER, JR served on 5/31/2012; U.S. DEPARTMENT OF JUSTICE served on 5/31/2012 (jf,) (Entered: 06/11/2012)
06/12/2012	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ROBERT MUELLER served on 6/11/2012 (jf,) (Entered: 06/12/2012)
06/12/2012	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF PRISONS served on 6/12/2012 (jf,) (Entered: 06/13/2012)
06/26/2012	<u>10</u>	NOTICE of Appearance by Laura R. Ponto on behalf of FEDERAL BUREAU OF PRISONS, ERIC HIMPTON HOLDER, JR, ROBERT MUELLER, U.S. DEPARTMENT OF JUSTICE (Ponto, Laura) (Entered: 06/26/2012)
06/26/2012	<u>11</u>	First MOTION for Extension of Time to File Answer <i>or Otherwise Respond to Complaint</i> by FEDERAL BUREAU OF PRISONS, ERIC HIMPTON HOLDER,

		JR, ROBERT MUELLER, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Ponto, Laura) (Entered: 06/26/2012)
06/26/2012		MINUTE ORDER: it is hereby ORDERED that <u>11</u> defendants' Motion for Extension of Time to Answer is GRANTED; and it is further ORDERED that defendants' answer is now due on August 1, 2012. Signed by Judge Ellen S. Huvelle on June 26, 2012. (lcesh1) (Entered: 06/26/2012)
07/18/2012	<u>12</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jenny Marie Knopinski on behalf of All Defendants Substituting for attorney Laura Ponto (Knopinski, Jenny) (Entered: 07/18/2012)
07/26/2012	<u>13</u>	Second MOTION for Extension of Time to <i>Respond to Complaint</i> by FEDERAL BUREAU OF PRISONS, ERIC HIMPTON HOLDER, JR, ROBERT MUELLER, U.S. DEPARTMENT OF JUSTICE (Knopinski, Jenny) (Entered: 07/26/2012)
07/26/2012		MINUTE ORDER granting <u>13</u> Motion for Extension of Time to Answer: it is hereby ORDERED that defendants' motion for extension of time to answer is GRANTED; and it is further ORDERED that defendants shall answer or otherwise respond to the complaint by 8/29/2012. Signed by Judge Ellen S. Huvelle on July 26, 2012. (AG) (Entered: 07/26/2012)
08/27/2012	<u>14</u>	Third MOTION for Extension of Time to <i>ANSWER COMPLAINT</i> by FEDERAL BUREAU OF PRISONS, ERIC HIMPTON HOLDER, JR, ROBERT MUELLER, U.S. DEPARTMENT OF JUSTICE (Knopinski, Jenny) (Entered: 08/27/2012)
08/27/2012		MINUTE ORDER granting <u>14</u> Motion for Extension of Time to Answer: UPON CONSIDERATION of the Defendants' Motion for Extension of Time to Respond to the Complaint, and for good cause shown, it is hereby ORDERED that Defendants' motion is GRANTED, and it is further ORDERED that Defendants shall have until Wednesday, September 5, 2012, to answer or otherwise respond to the Complaint. Signed by Judge Ellen S. Huvelle on August 27, 2012. (AG) (Entered: 08/27/2012)
09/05/2012	<u>15</u>	MOTION to Dismiss <i>or in the alternative Motion for Summary Judgment</i> by FEDERAL BUREAU OF PRISONS, ERIC HIMPTON HOLDER, JR, ROBERT MUELLER, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration Hardy Declaration w/ exhibits A-K)(Knopinski, Jenny). Added MOTION for Summary Judgment on 9/6/2012 (znmw,). (Entered: 09/05/2012)
09/06/2012	<u>16</u>	Order advising plaintiff to respond or Court may deem matter as conceded re <u>15</u> MOTION to Dismiss or, in the alternative, Motion for Summary Judgment filed by ROBERT MUELLER, ERIC HIMPTON HOLDER, JR., U.S. DEPARTMENT OF JUSTICE, and the FEDERAL BUREAU OF PRISONS. Plaintiff's response is due by 10/9/2012. Signed by Judge Ellen S. Huvelle on September 6, 2012. (AG) (Entered: 09/06/2012)
09/17/2012	<u>17</u>	MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION to Dismiss <i>or in the alternative Motion for Summary Judgment</i> MOTION for Summary Judgment by JAMES COLE (rdj) (Entered: 09/19/2012)
09/20/2012		MINUTE ORDER granting <u>17</u> plaintiff's Motion for Extension of Time to File Responsere <u>15</u> defendants' Motion to Dismiss or for Summary Judgment: it is hereby ORDERED that plaintiff's motion is granted; and it is further ORDERED that plaintiff's response is due by 10/15/2012. Signed by Judge Ellen S. Huvelle on September 20, 2012. (AG) (Entered: 09/20/2012)
09/21/2012	<u>18</u>	MOTION for Continuance <i>to Permit Discovery/Be Had with Memorandum of Law in Support</i> by JAMES COLE (dr) (Entered: 09/24/2012)
09/25/2012	<u>19</u>	ORDER denying <u>18</u> plaintiff's Motion to Continue. Signed by Judge Ellen S. Huvelle on September 25, 2012. (AG) (Entered: 09/25/2012)
10/15/2012	<u>20</u>	RESPONSE re <u>15</u> MOTION to Dismiss <i>or in the alternative, MOTION for Summary Judgment</i> filed by JAMES COLE. (jf,) (Entered: 10/17/2012)
10/15/2012	<u>21</u>	Cross MOTION for Summary Judgment by JAMES COLE (jf,) (Entered: 10/17/2012)

10/22/2012	<u>22</u>	First MOTION for Extension of Time to File Response/Reply <i>and to Combine Defendant's Opposition to Plaintiff's Motion for Summary Judgment and Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment</i> by FEDERAL BUREAU OF PRISONS, ERIC HIMPTON HOLDER, JR, ROBERT MUELLER, U.S. DEPARTMENT OF JUSTICE (Knopinski, Jenny) (Entered: 10/22/2012)
10/22/2012		MINUTE ORDER granting <u>22</u> Motion for Extension of Time to File Response/Reply: UPON CONSIDERATION of the Defendant's Motion for Extension of Time and to Combine Defendant's Opposition to Plaintiff's Motion for Summary Judgment and Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment, and for good cause shown, it is hereby ORDERED that Defendant's motion is GRANTED; and it is further ORDERED that Defendant shall have to, and including, Friday, November 9, 2012 to file a combined Opposition to Plaintiff's Motion for Summary Judgment and Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment. Signed by Judge Ellen S. Huvelle on October 22, 2012. (AG) (Entered: 10/22/2012)
10/24/2012		Set/Reset Deadlines: Response/Reply to Motion for Summary Judgment due by 11/9/2012. (gdf) (Entered: 10/24/2012)
11/09/2012	<u>23</u>	RESPONSE re <u>21</u> MOTION for Summary Judgment, filed by FEDERAL BUREAU OF PRISONS, ERIC HIMPTON HOLDER, JR, ROBERT MUELLER, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration Second Hardy, # <u>2</u> Exhibit Exhibits to Second Hardy Declaration)(Knopinski, Jenny) Modified on 11/28/2012 (jf,). (Entered: 11/09/2012)
11/28/2012	<u>24</u>	MEMORANDUM AND OPINION. Signed by Judge Ellen S. Huvelle on November 28, 2012. (AG) (Entered: 11/28/2012)
11/28/2012	<u>25</u>	ORDER granting <u>15</u> defendant's Motion for Summary Judgment; denying <u>21</u> plaintiff's Motion for Summary Judgment. Signed by Judge Ellen S. Huvelle on November 28, 2012. (AG) Modified on 11/28/2012 (AG,). (Entered: 11/28/2012)